

DAVID BARRON, ESQ.
Nevada Bar No. 142
WILLIAM H. PRUITT, ESQ.
Nevada Bar No. 6783
BARRON & PRUITT, LLP
3890 West Ann Road
North Las Vegas, Nevada 89031-4416
Telephone: (702) 870-3940
Facsimile: (702) 870-3950
Email: DBarron@lvnvlaw.com
Email: JMeservy@lvnvlaw.com
Attorneys for Defendant,
Smart Industries Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESCO INSURANCE COMPANY as subrogee
of its insured NICKELS AND DIMES
INCORPORATED,

Plaintiff,

vs.

SMART INDUSTRIES CORPORATION dba
SMART INDUSTRIES CORP., MFG., an Iowa
corporation,

Defendants.

Case No.: 2:16-cv-01206-JCM-CWH

CONSOLIDATED FOR PURPOSES OF
DISCOVERY AND TRIAL

JENNIFER WYMAN, individually; BEAR
WYMAN, a minor, by and through his natural
parent JENNIFER WYMAN; JENNIFER
WYMAN and VIVIAN SOOF, as Joint Special
Administrators of the ESTATE OF CHARLES
WYMAN,

Plaintiffs,

vs.

SMART INDUSTRIES CORPORATION dba
SMART INDUSTRIES CORP., MFG.; HI-TECH
SECURITY INC; WILLIAM ROSEBERRY;
BOULEVARD VENTURES, LLC; SANSONE
COMPANIES, LLC; DOES I through V; and
BUSINESS ENTITIES I through V, inclusive,

Defendants.

Case No.: 2:16-cv-02378-RFB-GWF

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR FILING
JOINT PRETRIAL ORDER
(Eighth Request)**

1 A settlement conference was held in the above referenced matter on October 30, 2018. The
2 parties were unsuccessful in reaching a settlement agreement. Prior to the settlement conference, a
3 Stipulation and Order (ECF Nos. 54 and 55) was entered extending the time for filing the Joint Pretrial
4 Order to thirty days after the settlement conference, if a settlement was not reached. On November
5 29, 2018, the parties filed a Stipulation and Order (ECF Nos. 62 and 63) to extend the deadline by
6 thirty days until January 2, 2019. On December 21, 2018, the parties filed a Stipulation and Order
7 (ECF 64 and 65) to extend the deadline until February 1, 2019.

8 On January 23, 2019, the Wyman Plaintiffs' counsel circulated a 21-page proposed draft of
9 the Joint Pretrial Order, which addressed Plaintiffs' desired stipulated facts, documents, witnesses,
10 designated deposition transcripts, and statements of issues to be decided. In January, the Defendants'
11 counsel reviewed this proposed draft and determined that additional time was necessary to fact check
12 the content sought by the Wyman Plaintiffs, and to prepare and offer their own content additions,
13 objections, counter-designations, and other revisions. Accordingly, the parties filed a Stipulation and
14 Proposed Order (ECF 67) to extend the deadline until March 1, 2019. This Court granted the parties'
15 Proposed Order (ECF 68) on February 4, 2019.

16 On February 22, 2019, the parties filed a Stipulation and Proposed Order (ECF 69) to extend
17 the deadline until April 1, 2019, because the parties needed additional time to fact check issues,
18 complete content additions, objections, counter-designations, and other revisions, and to meet and
19 confer in an effort to resolve their disputes. This Court granted the parties' Proposed Order (ECF 70)
20 on February 26, 2019.

21 On March 29, 2019, the parties filed a Stipulation and Proposed Order (ECF 72) to extend the
22 deadline to May 1, 2019, because counsel for both Defendant Smart Industries and Defendants Hi-
23 Tech and Roseberry had separate upcoming trials commencing on April 1, 2019. This Court granted
24 the parties request on April 4, 2019 (ECF 73).

25 On May 1, 2019, the parties filed a Stipulation and Proposed Order (ECF 74) to extend the
26 deadline to May 15, 2019, to accommodate the trial schedule of the counsel for the Wyman Plaintiffs
27 and Hi-Tech and Roseberry. The Court granted the parties request on May 2, 2019 (ECF 76).
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1 On May 15, 2019, Defendants Hi-Tech and Roseberry filed an Emergent Motion to Stay
2 Deadline for Filing Joint Pretrial Order (ECF 79), which is still pending.

3 The parties request an additional two-day continuance to allow the parties to further reconcile
4 their factual admissions and resolve as many of their disputes as possible to reduce the number and
5 scope of issues that may need to be brought before this Court. Having made progress, the parties are
6 still attempting to resolve the language of the order and ask for an additional two-day continuance
7 until May 17, 2019.

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BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
FACSIMILE (702) 870-3950

This Stipulation is submitted in good faith and is not interposed for purposes of delay. **This is the eighth request to extend the deadline for filing the Joint Pretrial Order.**

Respectfully submitted,
Dated this 15th day of May, 2019,
BARRON & PRUITT, LLP

Dated this 15th day of May, 2019,
HALL, JAFFE & CLAYTON, LLP

/s/ William H. Pruitt
DAVID BARRON, ESQ.
Nevada Bar No. 142
WILLIAM H. PRUITT, ESQ.
Nevada Bar No. 6783
3890 West Ann Road
North Las Vegas, Nevada 89031
*Attorneys for Defendant
Smart Industries Corporation*

/s/ Walter F. Fick
STEVEN JAFFE, ESQ.
Nevada Bar No. 7035
WALTER F. FICK, ESQ.
Nevada Bar No. 14193
7425 Peak Drive
Las Vegas, Nevada 89128
*Attorneys for Defendants Hi-Tech
Security, Inc. and William Roseberry*

Dated this 15th day of May, 2019,
GREENMAN GOLDBERG RABY &
MARTINEZ
&
EGLET PRINCE

Dated this 15th day of May, 2019,
DUBOWSKY LAW OFFICE, CHTD.

/s/ Kevin T. Strong
DILLON COIL, ESQ.
Nevada Bar No. 11541
601 South Ninth Street
Las Vegas, Nevada 89101
&
DENNIS M. PRINCE, ESQ.
Nevada Bar No. 5092
TRACY A. EGLET, ESQ.
Nevada Bar No. 6419
KEVIN T. STRONG, ESQ.
Nevada Bar No. 12107
400 S. 7th Street, 4th Floor
Las Vegas, Nevada 89101
Attorneys for Wyman Plaintiffs

/s/ Amanda Vogler-Heaton
PETER DUBOSWKY, ESQ.
Nevada Bar No. 4972
AMANDA VOGLER-HEATON, ESQ.
Nevada Bar No. 13609
300 South Fourth Street, Suite 1020
Las Vegas, Nevada 89101
Attorneys for Wesco Ins. Co.

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1 *Wesco v. Smart Industries* (2:16-cv-01206-JCM-CWH)
2 consolidated with:
3 *Wyman et al. v. Smart Industries et al.* (2:16-cv-02378-RFB-GWF)
4 SIPULATION AND [proposed] ORDER FOR EXTENSION
5 OF TIME FOR FILING JOINT PRETRIAL ORDER
6 (seventh request)

7 **ORDER**

8 **IT IS SO ORDERED.**

9 DATED this 17th day of May, 2019.

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11 UNITED STATES MAGISTRATE JUDGE